

IN RE: PETITION FOR SPECIAL HEARING
S/S Frederick Road, 110' E of
the c/l of Symington Avenue
(6313 Frederick Road)
1st Election District
1st Councilmanic District

Joan S. Pittroff
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-101-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 6313 Frederick Road, located in the vicinity of the Baltimore City/Baltimore County Line in Catonsville. The Petition was filed by the owner of the property, Joan S. Pittroff, through her attorney, C. William Clark, Esquire. The Petitioner seeks approval and confirmation that the subject property enjoys a legal, nonconforming use as a three apartment dwelling. The subject property and relief sought are more particularly described on the site plan/floor plans submitted which were accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joan S. Pittroff, property owner, Vivian C. Whist, Real Estate Agent, and C. William Clark, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.115 acres, more or less, zoned D.R. 5.5 and is improved with a 2 and 1/2 story dwelling and detached two-car garage. The Petitioner purchased the subject property in 1977 to provide housing for her parents, her grandmother, and an aunt. Ms. Pittroff testified that at the time of her purchase, the dwelling was set up as three apartments. She testified that the first floor apartment contains a living room, dining room, kitch-

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Date

By

11/29/95
10p
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en, one bedroom and bath, as well as a foyer area and stairs leading to the second floor. The second floor contains a separate dining room and living room area, small kitchen and bath, and a bedroom. The third apartment is located in the basement of the dwelling. This apartment is open, but divided into several sections to provide a kitchen and living room area, bedroom, an enclosed storage closet and a bath. As noted above, Ms. Pittroff purchased the property to provide housing for her elderly relatives. As members of the family began to pass, Ms. Pittroff rented the apartments out to others beginning in 1981. She testified that the building has been used continuously as three apartments since her acquisition of the property.

Other testimony and evidence offered included a residential worksheet (Maryland Property Evaluation Record - Residential Worksheet) from the Department of Assessments and Taxation for the state of Maryland. That document indicates that the property was constructed in 1934 and, based on its assessed value, seems to suggest that the dwelling has been used as an apartment building for many years. Also, the Petitioners introduced an affidavit signed by Samuel Pistorio, who stated that he has lived in the neighborhood since 1950 and to the best of his recollection, the property has been used as three apartments since at least 1950.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation, and it must be shown

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that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945, which is the date the first zoning regulations were adopted in Baltimore County. Under those regulations, the property was zoned "A", a classification which did not permit apartment units.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

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(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

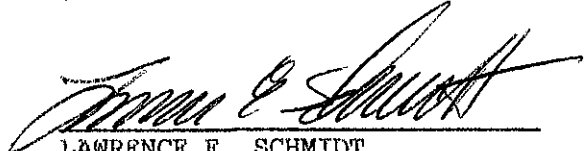
McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, I am persuaded that the subject property has been used as a three apartment dwelling since prior to the effective date of the zoning regulations prohibiting such use, and that there has been no abandonment of such use. The testimony presented as well as the affidavit of Mr. Pistorio, who is 93 years of age and has lived in the area since 1950, were sufficient to warrant a granting of the relief requested.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of November, 1995 that the Petition for Special Hearing seeking approval that the subject property meets the requirements for a nonconforming use as a three apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

1) The Petitioner is hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and the decision rendered in this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 29, 1995

C. William Clark, Esquire
Nolan, Plunhoeff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Frederick Road, 110' E of the c/l of Symington Avenue
(6313 Frederick Road).
1st Election District - 1st Councilmanic District
Joan S. Pittroff - Petitioner
Case No. 96-101-SPH

Dear Mr. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Joan Pittroff
120 Starhill Lane, Catonsville, Md. 21228

People's Counsel

File

MICROFILMED



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6313 Frederick Road

96-101-SFH

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and confirm or approve as a non-conforming use of the subject property as an apartment building with three (3) apartments.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chtd.

(Type or Print Name)

Signature

210 W. Pennsylvania Ave.
Suite 700 823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Joan S. Pittroff

(Type or Print Name)

Signature

(Type or Print Name)

Signature

120 Starhill Lane

Address

Phone No.

Catonsville, MD 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

C. William Clark, Esquire

Name 210 W. Pennsylvania Avenue

Towson, MD 21204

823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: SDA

DATE

8-29-95.

94

ORDER RECEIVED FOR FILING

Date

By



96-101-SPH

Beginning for the same on the Southeast side of Frederick Road at the distance of ninety-one feet Northeasterly from the corner formed by the intersection of the Southeast side of Frederick Road with the Northeast side of Symington Avenue and running thence Northeasterly binding on the Southeast side of Frederick Road forty-five feet to the outline of the tract of ground which the lot now being described is a part thence running South fourteen degrees thirty-nine minutes East binding on said outline one hundred twenty and fifty-nine one hundredths feet thence running South seventy-three degrees thirteen minutes West forty-five feet to meet a line drawn South fourteen degrees thirty-nine minutes East from the place of beginning and thence running Northwesterly reversing said line so drawn and binding thereon one hundred seventeen and four-tenths feet more or less to the place of beginning. The improvements thereon are known as No. 6313 Frederick Road, Baltimore County, Maryland.

96-101-574

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 157 Date of Posting 10/7/95
Posted for: Special Hearing
Petitioner: Joan S. Pitts
Location of property: 6313 Foxcroft Rd, S/S

Location of Signs: Facing road way on property being posted

Remarks: _____
Posted by: M. J. J. J. Date of return: 10/13/95
Signature
Number of Signs: 1



CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF HEARINGS

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 96-101-SPH
(Item 94)

6313 Frederick Road,
SSS Frederick Road, 110' E of
of Syrington Avenue
1st Election District
1st Councilmanic

Legal Owner(s):

Jean S. Pittroff

Hearing: Wednesday,
October 25, 1995 at 9:00 a.m.
in Rm. 118, Old Courthouse.

Special Hearing: to confirm or approve as a non-conforming use of the subject property as an apartment building with three apartments.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call 887-3353.

(2) For information concerning the file and/or Hearing, please call 887-3391.

9/29/95 September 28

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 94

Petitioner: JOAN S. PITTROFF

Location: 6313 FREDERICK RD, CATONSVILLE MD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: C WILLIAM CLARK, ESQ

ADDRESS: 210 W PENNSYLVANIA AVE
TOWSON MD 21204

PHONE NUMBER: 823-7800

MICROFILMED

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

C. William Clark, Esq.
Nolan, Plumhoff & Williams
210 W Pennsylvania Ave #700
Towson, MD 21204
823-7800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-101-SPH (Item 94)
6313 Frederick Road
S/S Frederick Road, 110' E of c/l Symington Avenue
1st Election District - 1st Councilmanic
Legal Owner: Joan S. Pittroff
HEARING: WEDNESDAY, OCTOBER 25, 1995 at 9:00 a.m.. in Room 118, Old Courthouse.

Special Hearing to confirm or approve as a non-conforming use of the subject property as an apartment building with three apartments.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-101-SPH (Item 94)

6313 Frederick Road

S/S Frederick Road, 110' E of c/l Symington Avenue

1st Election District - 1st Councilmanic

Legal Owner: Joan S. Pittroff

HEARING: WEDNESDAY, OCTOBER 25, 1995 at 9:00 a.m.. in Room 118, Old Courthouse.

Special Hearing to confirm or approve as a non-conforming use of the subject property as an apartment building with three apartments.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Arnold Jablon
Director

cc: Joan S. Pittroff
C. William Clark, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 17, 1995

C. William Clark, Esquire
Nolan, Plunhoffs & Williams, Chtd.
210 W. Pennsylvania Ave.
Suite 700
Towson, Maryland 21204

RE: Item No.: 94
Case No.: 96-101-SPH
Petitioner: J. S. Pittroff

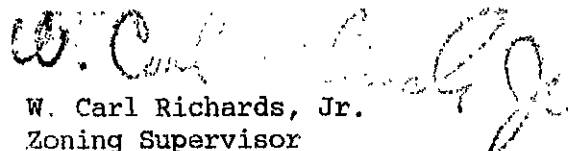
Dear Mr. Clark:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 18, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for September 18, 1995
Items 093, 094, 097, 098, and 099

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, (94), 97, 99, 103, 104, 109, 110, 112, and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

AJ

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOAN S. PITTROFF

LOCATION: S/S FREDERICK RD., 110' E OF CENTERLINE SYMINGTON AVE.
(6313 FREDERICK RD.)

Item No.: 094

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy. ie BASEMENT APARTMENT MAY HAVE EXITING PROBLEMS.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED

SEP 13 1995

ZADM





SHA

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Hal Kassoff
Administrator

9-12-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 094(JRA)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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1. Notary section is incomplete/incorrect.

#94 --- JRA

1. No telephone number for legal owner.

#97 - JRA

1. No review information on bottom of petition form.

#98 -- JJS/JLL

1. No telephone number for legal owner.

#99 --- RT

1. Not marked "Critical Area".

#101 --- JCM

1. Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)

MICROFILM

IN RE: PETITION FOR SPECIAL HEARING
6313 Frederick Road, S/S Frederick Road
110' E of c/l Symington Avenue
1st Election District, 1st Councilmanic

Joan S. Pittroff
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-¹⁰¹96-SPH

* * * * *

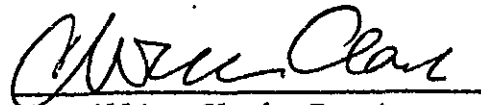
SUBPOENA

TO: Carl Richards, or his designee
Zoning Administration and Development Management
County Office Building, 1st Floor
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 118, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

and to bring 1945 Zoning Maps, Catonsville/Arbutus showing 6313 Frederick
Avenue, and 1948 Zoning Regulations

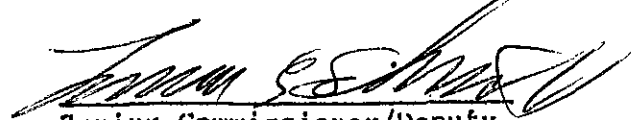
on the 25th day of October 1995, regarding the above captioned
case, for the purpose of testifying at the request of the Petitioner,
Joan S. Pittroff



C. William Clark, Esquire
Suite 700, 210 W. Pennsylvania Ave.
Towson, MD 21204
410/823-7800
Attorney for Petitioner

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).



Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 10/23/95

IN RE: PETITION FOR SPECIAL HEARING
 6313 Frederick Road, S/S Frederick Road
 110' E of c/l Symington Avenue
 1st Election District, 1st Councilmanic

Joan S. Pittroff
 Petitioner

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * CASE No. 96-96-SPH

* * * * *

AFFIDAVIT OF SAMUEL M. PISTORIO

1. I am over the age of eighteen (18) and competent to testify, and have personal knowledge of the following facts.

2. I am 93 years old and have lived at 6332 Frederick Road since 1950.

3. The property located at 6313 Frederick Road is across Frederick Road, cater-cornered to my property.

4. For the following reasons, I know that the property at 6313 Frederick Road has been used as a three apartment house since

a. _____

b. _____

c. _____

d. _____

I solemnly affirm under the penalties of perjury that the contents of the foregoing affidavit are true.


 SAMUEL M. PISTORIO

RECEIVED

January 2, 1945

ADOPTED BY THE COUNTY COMMISSIONERS
OF BALTIMORE COUNTY,
Enabling Acts of the General Assembly of Maryland:

Session of 1941, Chapter 247

Session of 1943, Chapter 877

Session of 1945, Chapter 502

Session of 1947, Chapter 915

CHRISTIAN H. KAEHL,
President

JOHN R. HAUT

BREMEN A. TRAIL
County Commissioners
of Baltimore County

Codified Sept. 1, 1948 by

CHAS. H. DOING
Zoning Commissioner of Baltimore County.

MICROFILMED

ZONING REGULATIONS AND RESTRICTIONS FOR BALTIMORE COUNTY

ORDERS AND RESOLUTIONS OF THE COUNTY COMMISSIONERS OF BALTIMORE COUNTY ADOPTING ZONING REGULATIONS AND RESTRICTIONS AND AMENDMENTS THERETO TO DATE.

The County Commissioners of Baltimore County having received from the Zoning Commissioner of Baltimore County his Final Reports (as authorized by the aforesaid Act of 1941) recommending the adoption of certain zoning regulations and restrictions with respect to the erection, construction, reconstruction, alteration, repair and use of buildings, structures and land within the confines of Baltimore County, and having given fifteen days' notice in a newspaper of general circulation throughout Baltimore County of the place and time of hearings upon Final Reports and said public hearings having been held before the County Commissioners of Baltimore County, pursuant to said notices, and further continued hearings having been thereafter held thereon, and after thorough consideration, investigation and study, the following zoning regulations and restrictions and amendments were adopted:

ZONING REGULATIONS AND RESTRICTIONS FOR BALTIMORE COUNTY

SECTION 1—DEFINITIONS

Words used in the present tense includes the future; words in the singular number include the plural number; the word "shall" is mandatory and not directory.

For the purpose of this Resolution certain terms and words are defined as follows:

1. Accessory Building: A subordinate building, except structures used exclusively for farm operation, located entirely in and not occupying more than 35 per cent of a rear yard and whose use is wholly incidental to that of the main building on the same lot and which does not exceed 15 feet in height above the ground level. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use on the same lot shall be deemed to be an accessory building. A trailer shall not be considered an accessory building.
2. Advertising structures: Any sign, billboard, surface, object or structure used for advertising purposes.
3. Airport: Any area of land or water designed and set aside for landing or taking-off of aircraft and utilized or to be utilized for such purposes.
4. Alley: A public way less than 30 feet in width and designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed.
5. Apartment House: A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities.
6. Basement or Cellar: That portion of a building below the first floor joists the floor of which is more than one-half the clear ceiling height below the adjacent ground.
7. Building: A structure having a roof supported by columns or walls for the shelter, support, or inclosure of persons, animals, or chattels. When any portion thereof is completely separated from all other portions by a division wall from the ground up to the roof and without any door or other openings, such portion shall be deemed a separate building.
8. Building Line: A line beyond which the foundation wall of a building shall not project.
9. Courts: An open, unoccupied space, other than a yard, on the same lot with a building, opening upon a street, alley, yard, lot line or setback, and which is bounded on two or more sides by such building.
10. Depth of Lot: The mean horizontal distance between the front line and the rear lot line.
11. Dwelling, Single Family: A detached dwelling arranged or used for occupancy by one family.
12. Dwelling, Two-Family. A detached dwelling arranged or used for occupancy by not more than two families as separate housekeeping units, and with not more than one entrance on any side. Such a dwelling shall have one housekeeping unit over the other.
13. Dwelling, Semi-detached: Two (single or two family) dwelling designed and erected, side by side, as a single detached building and with not more than two entrances on any one side, such (single or two-family) dwellings shall be separated by a solid fire-proof partition wall from foundation to roof.
14. Dwelling, Group House: Not less than three or more than seven (single or two-family) dwellings designed and erected as a single detached building and with not more than one entrance for each (single or two family) dwelling on any one side, such (single or two family) dwellings shall be separated by a solid fireproof partition wall from foundation to roof.

15. **Garage, Private:** An accessory building used only for storage of not more than three motor driven vehicles, only one of which may be a commercial vehicle.
16. **Garage, Public-Storage:** Garage other than a private garage in which the repair facilities are incidental to its primary use for storage.
17. **Garage, Public Service:** A garage other than a private or public storage garage where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.
18. **Height of Building:** The vertical distance measured from the average ground level at the front of the building to the highest point of the building.
19. **Home Occupation:** An occupation in connection with which there is used no display, (other than signs otherwise herein permitted), that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in connection with which there is kept no stock in trade or commodity sold upon the premises, no person employed other than servants or a member of the immediate family residing on the premises, and no mechanical equipment except such as is used for purely domestic or household purposes.
20. **Junk Yard:** Any land or area used, in whole or in part, for storage of paper, rags, scrap metal or other junk or for the storage of automobiles not in running condition or for the dismantling of automobiles or other vehicles or machinery.
21. **Lot:** Land occupied, or to be occupied, by a building and its accessory buildings, together with such open spaces as may be required under these regulations, having its frontage upon a public street.
22. **Lot, Corner:** A lot fronting on and at the intersection of two or more streets intersecting at an angle or not more than one hundred thirty-five (135) degrees.
23. **Lot Lines:** Lines bounding a lot. Provided, however, that the lot lines shall conclusively be presumed to be the lines separating the lot from streets and highways.
24. **Non-conforming Use:** A building or land occupied by a use that does not conform to the provisions of the regulations for the zone in which it is located.
25. **Setback:** The shortest distance between the building line and the street line or lot line.
26. **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling above it, provided that a cellar shall not be considered a story.
27. **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
28. **Stable, Private:** An accessory building used only for the stabling or keeping of horses, and/or other animals, (not more than three in number) for private use only and not for livery or hire.
29. **Stable, Public:** An accessory building and/or other building, other than a private stable where horses and/or other animals are kept for livery or hire.
30. **Tourist Cabin Camp.** Any land on which there is located or erected one or more cabins, structures, tents or out-buildings, other than trailer or house car or combined trailer and house car, and other than a dwelling on the same premises, which are used or occupied, whether habitually or infrequently, as a dwelling, lodging or sleeping place by one or more persons, and shall include any structure or building used as a service building for such camp or intended for use as part of the equipment of such camp.
31. **Tourist Home:** A dwelling used exclusively (other than residence of the family) to provide not more than five rooms for rent to transients.

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot as the building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

✓ 39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

- "A" Residence Zone - - - (Cottage)
- "B" Residence Zone - (Semi-detached)
- "C" Residence Zone - - (Apartment)
- "D" Residence Zone - - - (Group)
- "E" Commercial Zone.
- "F" Light Industrial Zone.
- "G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.
2. Dwelling, single family.
3. Dwelling, two-family.
4. Farming and buildings incidental thereto.
5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.
7. Public park or playground.
8. Public building.
9. Public water works or reservoir.
10. Trailer, one unoccupied, for storage only.
11. Tourist home.
12. Truck garden.
13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:
 - (a) Any accessory building when located not less than 60 feet from front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line (except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.
 - (b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.
14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.
- B. Height Regulations: No building shall exceed a height of forty feet or three stories.
- C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:
 1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.
 2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.
 3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.
 4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

5. No portion of an alley shall be considered as any part of any side or rear yard.
6. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural right-of-way.

SECTION IV—"B" RESIDENCE ZONE

- A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
 1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations;
 2. Children's Home.
 3. Dwelling—semi-detached.
 4. Fraternity or Sorority House.
 5. Gypsanage.
 6. Tea Room, when operated as a home occupation.
- B. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.
- C. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

SECTION V—"C" RESIDENCE ZONE

- A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
 1. Any use permitted in the "B" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section IV-A.
 2. Apartment house.
 3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street line except when contained within the main building and provided further that any accessory building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.
- B. Height Regulations: Building height unlimited.
- C. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:
 1. Lot Area Per Dwelling Unit. Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.
 2. Front Yard: Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, except apartment buildings shall set back to provide for a front yard of not less than 55 feet in depth, measured from the center of the front street, in no case less than 25 feet from the front lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.

**BALTIMORE COUNTY
ZONING REGULATIONS**

**ADOPTED BY
COUNTY COMMISSIONERS
OF
BALTIMORE COUNTY**

March 30, 1955, in accordance with Title 30, Section
532 (c) of the Code of Public Local Laws of Baltimore
County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

MICROFILMED

ARTICLE 1—GENERAL PROVISIONS
Section 100—ZONES AND ZONE BOUNDARIES

100.1—For the purpose of these regulations, Baltimore County is hereby divided into zones, as follows:

R. 40 Zone	Residence, one-family
R. 20 Zone	Residence, one-family
R. 10 Zone	Residence, one-family
R. 6 Zone	Residence, one and two-family
R. G. Zone	Residence, group house
R. A. Zone	Residence, apartment
B. L. Zone	Business, local
B. M. Zone	Business, major
B. R. Zone	Business, roadside
M. R. Zone	Manufacturing, restricted
M. L. Zone	Manufacturing, light
M. H. Zone	Manufacturing, heavy

100.2—The Official Zoning Map of Baltimore County, hereby adopted as part of these regulations, is the existing map in the office of the Zoning Commissioner of Baltimore County on which are designated the zones and zone boundaries adopted on January 2, 1945 together with all amendments thereto and the changes in zone designations set forth in Section 100.3 herein.

100.3—The zones as created in Section 100.1 change the present zone designations as follows:

- A or B Residence to R. 6 Zone
- C Residence to R. A. Zone
- D Residence to R. G. Zone
- E Commercial to B. L. Zone
- F Light Industrial to M. L. Zone
- G Heavy Industrial to M. H. Zone

100.4—The location of any zone boundary, unless indicated by dimensions shown on the zoning map, shall be determined by use of the map scale shown thereon and scaled to the nearest foot.

Section 101—DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these Regulations, certain terms and words are defined as follows:

DEFINITIONS

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

Airport: Any area of land or water designed and set aside for landing or taking off of aircraft.

Alley: A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property.

Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

Basement: That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground. (See definitions of Cellar and Story)

Boarding House: A building other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home," as defined by the Maryland State Health Department.

Boat Yard: See Extra Sheets

Building: A structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance measured from the average grade to the average elevation of the roof of the highest story.

Building Line: The line established by law beyond which a building shall not extend.

Cellar: That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground. (See definition of Basement)

DEFINITIONS

Convalescent Home: This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care. It does not include a "care home" as defined by the Maryland State Health Department, which merely provides board, shelter, and personal services in a protective environment for persons not gainfully employed.

Density, Gross: The acres within each separate zone in a project divided into the dwelling units in each such zone, including not more than half the width of bordering streets and alleys.

Density, Net: Net Density is based on the area of the lot or lots involved. Offstreet parking space shall be considered part thereof only if contained therein.

Dwelling: A building or portion thereof which provides living facilities for one or more families.

Dwelling, One-Family: A detached building arranged or used for occupancy by one family.

Dwelling, Two-Family: A building arranged or used for occupancy by two families as separate housekeeping units. It may be either a duplex or a semi-detached dwelling.

Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides.

Dwelling, Group House: A building that has not less than three nor more than six one-family housekeeping units erected in a row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

R. 10 ZONE

per cent of the lots may have an area less than 10,000 square feet (see Section 304).

208.2—Front Yard—For dwellings, the front building line shall be not less than 30 feet from the front lot line and not less than 55 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—50 feet from the front lot line and not less than 75 feet from the center line of the street, except as specified in Section 303.1.

208.3—Side Yards—For dwellings, 10 feet wide for one side yard and not less than 25 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 30 feet from the side lot line and not less than 55 feet from the center line of the street; for other principal buildings—20 feet wide, except that for a corner lot the building line along the side street shall be not less than 35 feet from the side lot line and not less than 60 feet from the center line of the street.

208.4—Rear Yard—30 feet deep.

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R. 40 Zone;

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R. 10 Zone, except sanitary landfills and trailer parks which are not permitted (see Sections 270 and 502).

Section 210—HEIGHT REGULATIONS:

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1 — Lot Area and Width — Each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than

R. 6 ZONE

10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304).

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3 — Side Yards — For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

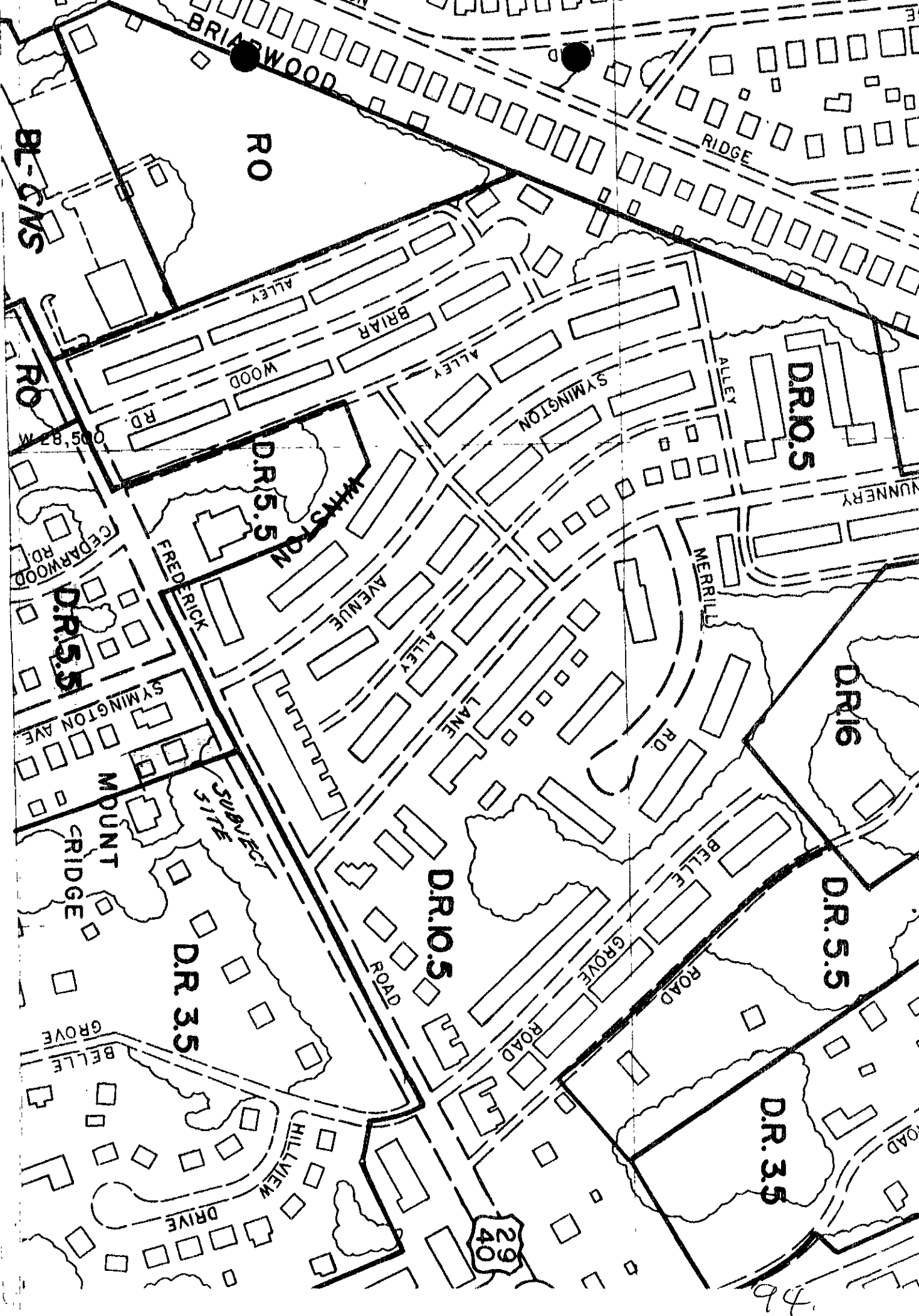
ADDRESS

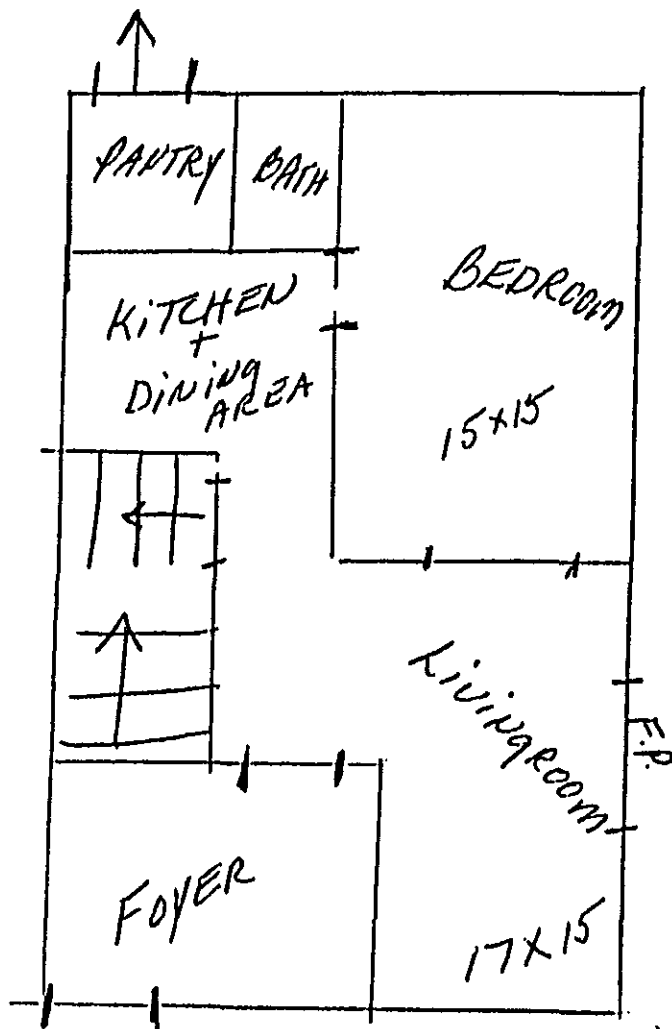
Joan Pittsaff
VIVIAN C. WIST

120 Starbuck Lane
2511 FALLS RUN Rd
ELLICOTT CITY MD 21043

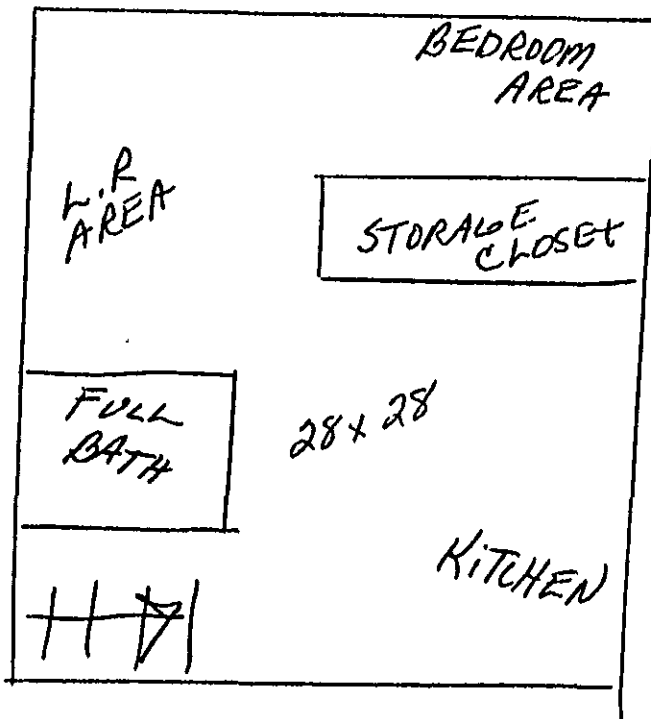


PART OF
200 SCALE - CATANSVILLE
SW 2E
96-101-SPH
BALTIM





1st Floor Apt

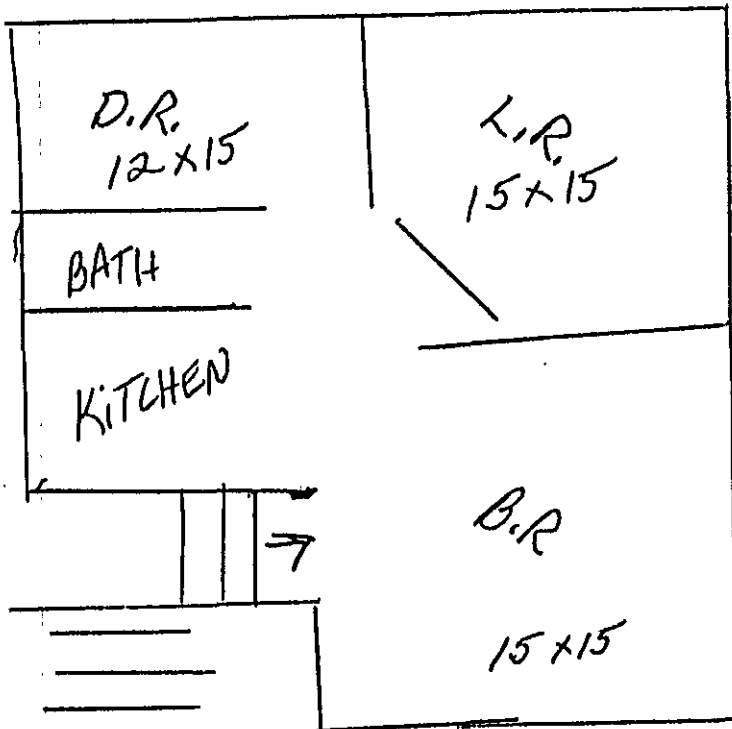


BASEMENT APT
NO ACTUAL WALLS
EXCEPT FOR
STORAGE AREA WALLS
WHICH ACT AS
DIVIDER

96-101-SPH

Jean Peter (K)
6313 Frederick Rd
21228

2nd Floor



Full Finished
Walk-up attic

96-101-SPH

FLOOR AREA RATIO 0.49
AMENITY OPEN SPACE - NONE
PARKING - N/A

RECORDED
10/1/95

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

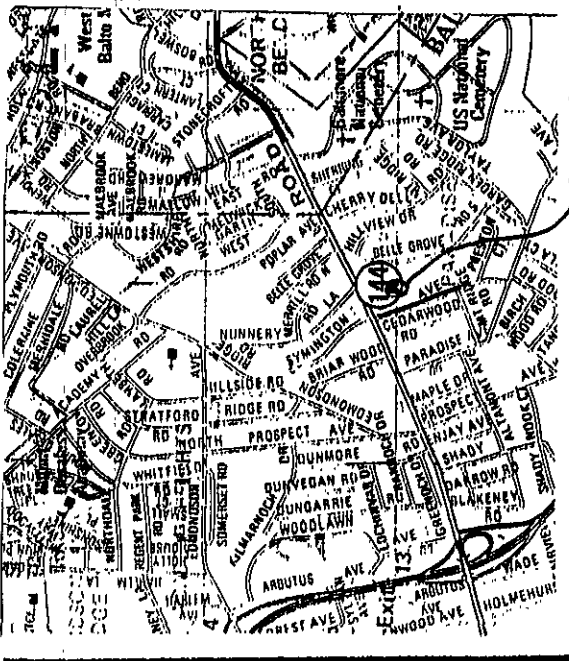
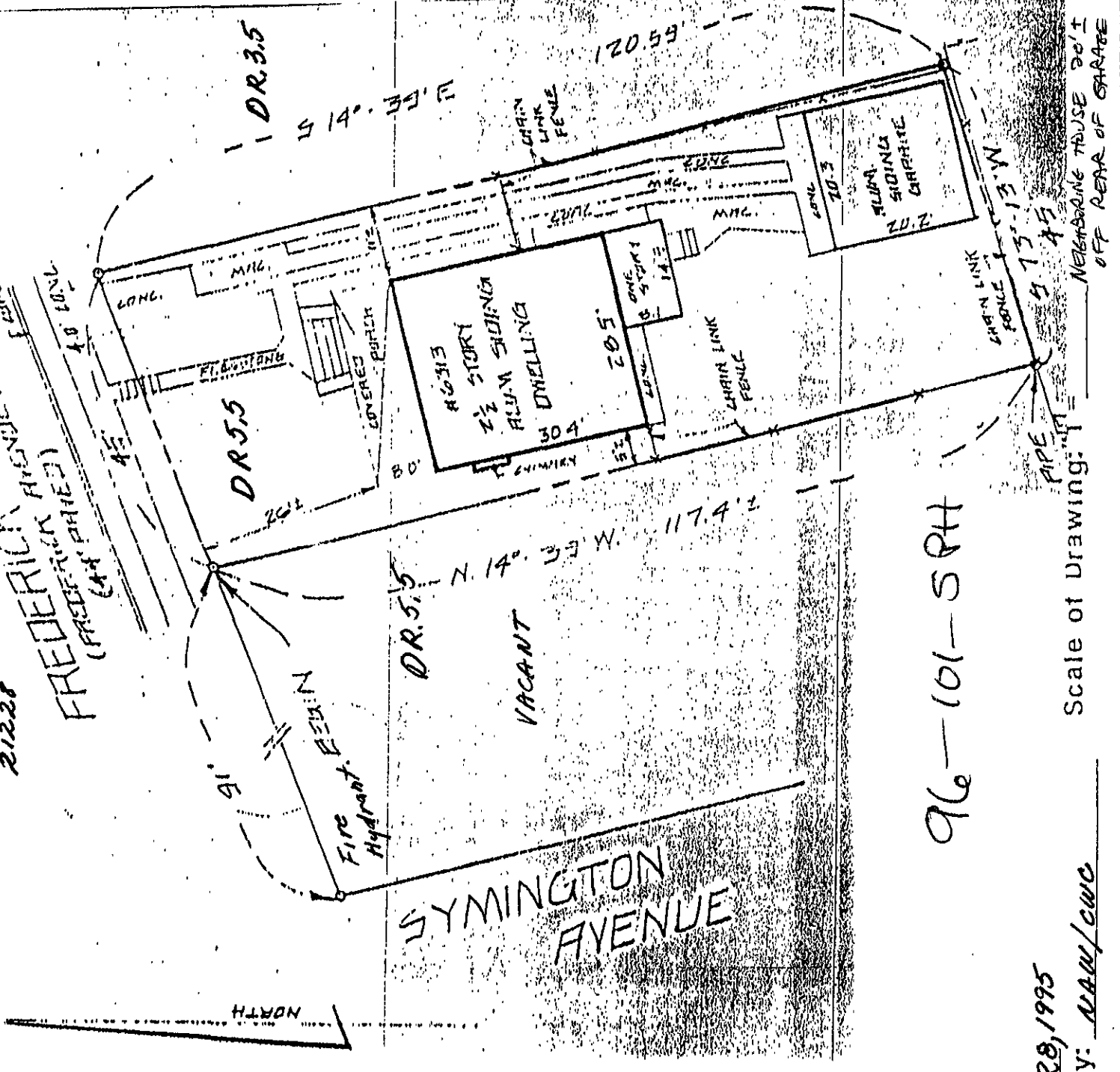
PROPERTY ADDRESS: 6313 FREDERICK RD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: None
plat book# , folio# , lot# , section#

OWNER: JOAN S. PITTROFF, 120 STARHILL LANE, 21228

ROAD WATER + SEWER
FREDERICK AVENUE
(FREDERICK PHASE)



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: FIRST

Councilmanic District: FIRST

1"-200' scale map#: SW-2E

Zoning: D.R. 5.5

Lot size: 0.115 A. acreage
5354.50 square feet

public ☒ private ☐
SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE KNOWN

Zoning Office USE ONLY!

reviewed by: SJA ITEM #: 94 CASE#:



North

date: AUG. 28, 1995

prepared by: NAW/CWC

Scale of Drawing: 1"=10'

96-101-SPT

NEIGHBORING HOUSE 30' T
OFF REAR OF GARAGE

722

DEED

FROM

PETER C. PITTROFF AND

JOAN S. PITTROFF

TO

JOAN S. PITTROFF

BLOCK NO. _____

Received for Record _____ 19____,

at _____ o'clock ____ M. Same day recorded
in Liber _____ No. _____ Folio _____ &c.,

one of the Land Records of _____

_____, and examined per

_____, Clerk.

Cost of Record, \$ _____

Lerch and Huesman
Suite 504, 16 S. Calvert St.
Baltimore, Maryland 21202

PETITIONER'S
EXHIBIT EX 2

61-13-550 526

NO TITLE SEARCH

This Deed, Made this 16th day of October

in the year one thousand nine hundred and eighty-seven, by and between

✓ PETER C. PITTROFF AND ✓ JOAN S. PITTROFF, his wife

of Baltimore County,

in the State of Maryland, of the first part, and

✓ Joan S. Pittroff, of Baltimore County, State of Maryland

of the second part.

Witnesseth, That in consideration of the sum of the Separation and Property Settlement Agreement between the parties dated October 16, 1987, there being no cash consideration,

the said parties of the first part, Peter C. Pittroff and Joan S. Pittroff, his wife,

do grant and convey unto the said party of the second part, Joan S. Pittroff, 13.00

her Personal Representatives,

DEED 0 #
SM CLERK 13.00
#27633 C002 R02 T14:31
11/13/87

heirs and assigns, in fee simple, all that lot or parcel of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same on the Southeast side of Frederick Road at the distance of ninety-one feet Northeasterly from the corner formed by the intersection of the Southeast side of Frederick Road with the Northeast side of Symington Avenue and running thence Northeasterly binding on the Southeast side of Frederick Road forty-five feet to the outline of the tract of ground which the lot now being described is a part thence running South fourteen degrees thirty-nine minutes East binding on said outline one hundred twenty and fifty-nine one hundredths feet thence running South seventy-three degrees thirteen minutes West forty-five feet to meet a line drawn South fourteen degrees thirty-nine minutes East from the place of beginning and thence running Northwesterly reversing said line so drawn and binding thereon one hundred seventeen and four-tenths feet more or less to the place of beginning. The improvements thereon are known as No. 6313 Frederick Road, Baltimore County, Maryland.

BEING the same property which by Deed dated March 28, 1977, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5738, folio 376, was granted and conveyed by CHARLES J. ROSITZKY and LUCILLE ROSITZKY, also known as Mildred Rositzky, his wife, ANNA MARIE ROSITZKY and ANTOINETTE ROSITZKY, to PETER C. PITTROFF and JOAN S. PITTROFF, his wife, grantors herein.

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
For Brown J. 2nd
Authorized Signature
Date 11-29-87 11:30 A

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
Roz 11/2/87
CLERK DATE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE Roz DATE 11/2/87

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

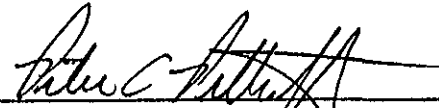
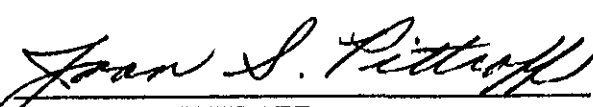
Joan S. Pittroff, her Personal Representatives

heirs and assigns, in fee simple.

And the said party of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors

TEST:

 (SEAL)
PETER C. PITTROFF
 (SEAL)
JOAN S. PITTROFF

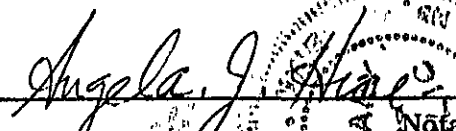
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 18th day of October in the year one thousand nine hundred and eighty-seven, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared PETER C. PITTROFF and JOAN S. PITTROFF

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

Lerch & Huesman
Suite 504 - 16 S. Calvert St.
Balto., Md. 21202


Notary Public.
My Commission expires
July 1, 1991

PROPERTY VALUATION RECORD
RESIDENTIAL WORKSHEET

1. PROPERTY ADMINISTRATIVE DATA					
Account No.	04010113550520			Notice Date	07/14/95
District	1			Zoning	
Card Seq	038670000000			Year Built	1934
Owner's Name	PITTROFF JOAN S			Grade	4
Address	6313 FREDERICK AVE			Condition	Average
CamaSet	1.06 CamaSubset 115			DwellingType	StdUnit
Microsol No	10521			Foundation Area	952
MVI/Model No	179			Enclosed Area	2212
Occupancy	N			Sec. 1 Perimeter	116
Curtilage	0			Total Perimeter	132
2. DWELLING COST CALCULATION					
SEC.	STORY	TYPE	SQUARE FEET	RATE	COST
1	2.5w/Bs	Siding	840	138.41	116,262
2	1SNoBsm	Siding	112	64.27	7,198
3. SUBTOTAL: DWELLING SQUARE FOOT COST					123,460 * *
4. OTHER CHARGES					
ITEM		TYPE	SIZE/UNITS	RATE	COST
Club			420	16.60	6,972
Heat		HWatRad			
Baths	over allowance		2	2,200.00	4,400
FP#1		FP2StBr	1	3,360.00	3,360
Porch#1		Por1SOp	224	21.80	4,883
5. SUBTOTAL: OTHER CHARGES					19,610 * *
6. TOTAL DWELLING BASE COST					143,070 * * *
Cost Index					X 1.03
Replacement Cost New (RCN)					147,362
Less Depreciation					35% -51,577
Subtotal: RCN Less Depreciation					95,780 * *
Market Value Index					X 1.15
7. DWELLING VALUE					110,140 * * *
8. ACCESSORY STRUCTURES					
TYPE	GRADE	SIZE/UNITS	RATE	DEPR	COST
1 FrGar		400	24.72	0.50	4,944
9. TOTAL ACCESSORY STRUCTURES VALUE					4,940 * * *
10. TOTAL IMPROVEMENT VALUE					115,080 * * * *
11. LAND VALUATION					
Land Type	Land10	SIZE SqFt	RATE	ADJUSTMENT	COST
Primary		5,000	6.50		32,500
Secondary		310	1.00		310
Total Land Size		5,310			
12. TOTAL LAND VALUE					32,810 * * * *
13. TOTAL PROPERTY VALUE					147,890 * * * *
14. REMARKS					

CERTIFIED TRUE COPY

BY Mary L. Shucklin

DATE 10-24-95

Ref No 4

William F. Buchanan

Acting Director of Finance

Pcr: 07-09-2007

Authorized Signature

Am. Soc.

BEING the same lot of ground which by Deed dated May 9, 1972 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5268, folio 44 was granted and conveyed by Bertie Milburn, by her attorney-in-fact, Wilson Chesser unto the said Charles J. Rostzky and Lucille Rostzky, also known as Mildred Rostzky, his wife.

LIBER 5483 PAGE 241

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said CHARLES J. ROSITZKY and LUCILLE ROSITZKY, also known as MILDRED ROSITZKY, his wife, as tenants by the entirety; ANNA MARIA ROSITZKY and ANTOINETTE ROSITZKY, as joint tenants, and not as tenants in common, and unto the survivor or survivors of them, his or her heirs and assigns,

in fee simple.

And the said parties of the first part hereby covenant ~~that they~~ ~~not, done, or suffered to be done any act, matter or thing, whatsoever, to encumber the property hereby conveyed;~~ that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST:

Charles J. Rostzky [SEAL]
Charles J. Rostzky
Lucille Rostzky [SEAL]
Lucille Rostzky

State of Maryland,

, to wit:

I HEREBY CERTIFY, That on this

day of

, 19 74 .

before me, the subscriber, a Notary Public of the State of Maryland, in and for

, personally appeared CHARLES J. ROSTZKY and LUCILLE ROSTZKY, also known as MILDRED ROSTZKY, his wife,

known to me (or satisfactorily proven) to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

OCT 13 1974

Notary Public

Per Elmer H. Kamm, Notary Public

Mailed to

Receipt No.

Gallagher, Elizabeth Jones
13 00

True Copy Test
SUN MING MENSIN, Clerk
Per [Signature]
Deputy Clerk

118402) THIS DEED Made this 2nd day of July in the year one thousand
 John L Johnson & Wf) nine hundred and forty-six by and between John L Johnson and
 Deed to) V Johnson his wife of Baltimore City in the State of Maryland
 Gertrude Freytag et al) of the first part and Gertrude Freytag Jane G Klein and John
USS\$13.75 SS\$12.50) Capperalla of the second part

Witnesseth That in consideration of the sum of Five (\$5.00) dollars and other valuable considerations the said John L Johnson and Sara V Johnson his wife do grant and convey to the said Gertrude Freytag Jane G Klein and John Capperalla as joint tenants and not as tenants in common their personal representatives and assigns all that lot of ground situated in Baltimore County aforesaid and described as follows that is to say Beginning for the same on the southeast side of the Frederick Road also referred to as Frederick Ave at the distance of 91 feet northeasterly from the corner formed by the intersection of the southeast side of Frederick Road with the northeast side of Symington Ave and running thence northeastwardly binding on the southeast side of Frederick Road 45 feet to the outline of the tract of ground of which the lot now being described is a part then running south 14 degrees 39 minutes east binding on said outline 120.59 feet thence running south 73 degrees 13 minutes west 45 feet to meet a line drawn south 14 degrees 39 minutes east from the place of beginning and thence running northwestwardly reversing said line so drawn and binding thereon 117.4 feet more or less to the place of beginning Known as 6313 Frederick Avenue

BEING the same lot of ground described in an assignment dated January 17 1945 and recorded among the Land Records of Baltimore County in Liber R J S 1375 folio 421 which was assigned and conveyed by Christina Caprarola to the herein grantor

Together with the buildings thereupon and the rights alleys ways waters privileges appurtenances and advantages thereto belonging or in any wise appertaining

To Have and To Hold the said described lot of ground and premises unto and to the use of the said Gertrude Freytag Jane G Klein and John Capperalla as joint tenants and not as tenants in common their personal representatives and assigns and the survivor of them and their personal representatives and assigns of the survivor for all the residue of the term of years yet to come and unexpired therein with the benefit of renewal forever subject to the payment of the annual rent of One hundred twenty Dollars payable half-yearly on the Seventeenth days of January and July in each and every year

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requisite

Witness the hands and seals of said grantors

Del No 6

Lillian K Horner

John L Johnson (Seal)

Sara V Johnson (Seal)

STATE OF MARYLAND CITY OF BALTIMORE TO WIT

I HEREBY CERTIFY That on this 2nd day of July in the year one thousand nine hundred and forty-six before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared John L Johnson and Sara V Johnson his wife the grantors named in the above Deed and they acknowledged the foregoing Deed to be their

AS WITNESS my hand and Notarial Seal

(Notarial Seal)

Lillian K Horner

Notary Public

Recorded July 9 1946 at 10 A M and exd per Robert J Spittel Clerk

(Recorded by DME)

(Exd by B & W)

18403) THIS MORTGAGE Made this 2nd day of July in the year one
Gertrude Freytag et al) thousand nine hundred and forty-six between Gertrude Frey-
Mortgage to) tage Jane G Klein and John Capperalla of Baltimore City in
Mer Nat Build & Loan Asso) the State of Maryland Mortgagors and American National
Building and Loan Association a body corporate duly incorporated under the laws of Maryland
Mortgagee

WHEREAS said Mortgagors being members of said body corporate have received therefrom in advance of Seven thousand Five Hundred (\$7500.00) Dollars being part of the purchase money for the property hereinafter described

AND WHEREAS said Mortgagors have agreed to repay the said sum so advanced in installments with interest thereon from the date hereof at the rate of five per cent (5%) per annum in the manner following

By the payment of Seventy-seven 18/100 Dollars on or before the first day of each and every month from the date hereof until the whole or said principal sum and interest shall be paid which interest shall be computed by the calendar month and the said installment payments may be applied by the Mortgagee in the following order (1) to the payment of interest (2) to the payment of all taxes water rent assessments or public charges of every nature and description ground rent fire and tornado insurance premiums and other charges affecting the hereinafter described premises and (3) towards the payment of the aforesaid principal sum

The due execution of this mortgage having been a condition precedent to the granting of said advance

AND WHEREAS this Mortgage shall also secure future advances as provided by Chapter 923 of the Laws of Maryland passed at the January session in the year 1945 or any supplement thereto

NOW THEREFORE THIS MORTGAGE WITNESSETH that in consideration of the premises and of the sum of one dollar the said Mortgagors do grant convey and assign unto the said Mortgagee its successors and assigns all that lot of ground situate and lying in Baltimore County in

True Copy Test
SUZANNE MENSCH, Clerk

Per


Deputy Clerk



IN RE: PETITION FOR SPECIAL HEARING
S/S Frederick Road, 110' E of
the c/l of Symington Avenue
(6313 Frederick Road)
1st Election District
1st Councilmanic District
Joan S. Pittroff
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-101-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 6313 Frederick Road, located in the vicinity of the Baltimore City/Baltimore County Line in Catonsville. The Petition was filed by the owner of the property, Joan S. Pittroff, through her attorney, C. William Clark, Esquire. The Petitioner seeks approval and confirmation that the subject property enjoys a legal, nonconforming use as a three apartment dwelling. The subject property and relief sought are more particularly described on the site plan/floor plans submitted which were accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joan S. Pittroff, property owner, Vivian C. Whist, Real Estate Agent, and C. William Clark, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.115 acres, more or less, zoned D.R. 5.5 and is improved with a 2 and 1/2 story dwelling and detached two-car garage. The Petitioner purchased the subject property in 1977 to provide housing for her parents, her grandmother, and an aunt. Ms. Pittroff testified that at the time of her purchase, the dwelling was set up as three apartments. She testified that the first floor apartment contains a living room, dining room, kitchen,

en, one bedroom and bath, as well as a foyer area and stairs leading to the second floor. The second floor contains a separate dining room and living room area, small kitchen and bath, and a bedroom. The third apartment is located in the basement of the dwelling. This apartment is open, but divided into several sections to provide a kitchen and living room area, bedroom, an enclosed storage closet and a bath. As noted above, Ms. Pittroff purchased the property to provide housing for her elderly relatives. As members of the family began to pass, Ms. Pittroff rented the apartments out to others beginning in 1981. She testified that the building has been used continuously as three apartments since her acquisition of the property.

Other testimony and evidence offered included a residential worksheet (Maryland Property Evaluation Record - Residential Worksheet) from the Department of Assessments and Taxation for the state of Maryland. That document indicates that the property was constructed in 1934 and, based on its assessed value, seems to suggest that the dwelling has been used as an apartment building for many years. Also, the Petitioners introduced an affidavit signed by Samuel Pistorio, who stated that he has lived in the neighborhood since 1950 and to the best of his recollection, the property has been used as three apartments since at least 1950.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation, and it must be shown

that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945, which is the date the first zoning regulations were adopted in Baltimore County. Under those regulations, the property was zoned "A", a classification which did not permit apartment units.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKenry v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKenry v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, I am persuaded that the subject property has been used as a three apartment dwelling since prior to the effective date of the zoning regulations prohibiting such use, and that there has been no abandonment of such use. The testimony presented as well as the affidavit of Mr. Pistorio, who is 93 years of age and has lived in the area since 1950, were sufficient to warrant a granting of the relief requested.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 1995 that the Petition for Special Hearing seeking approval that the subject property meets the requirements for a nonconforming use as a three apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

1) The Petitioner is hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and the decision rendered in this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/29/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/29/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
November 29, 1995

C. William Clark, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Frederick Road, 110' E of the c/l of Symington Avenue
(6313 Frederick Road)
1st Election District - 1st Councilmanic District
Joan S. Pittroff - Petitioner
Case No. 96-101-SPH

Dear Mr. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party files an appeal, any party may file an appeal within thirty (30) days of the date of this decision. If you intend to file an appeal, please contact the Zoning Department Management Office at 887-3391.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Joan Pittroff
120 Starhill Lane, Catonsville, Md. 21228

People's Counsel

Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 6313 Frederick Road
96-101-SPH which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, hereby petition(s) the Zoning Commissioner of Baltimore County, to declare whether or not the Zoning Commissioner should approve, and confirm or approve as a nonconforming use of the subject property as an apartment building with (3) apartments.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Owner:

Type or Print Name

Signature

Address

City State Zip

City for Posting:

C. William Clark, Esquire
Nolan, Plumbhoff & Williams, Chcs.

Type or Print Name

Signature

Address

City State Zip

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Nolan, Plumbhoff & Williams, Chcs.

Type or Print Name

Signature

Address

City State Zip

City for Posting:

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 94
Petitioner: JOAN S. PITTOFF
Location: 6313 FREDERICK RD., CATONSVILLE MD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: C. WILLIAM CLARK, Esq.
ADDRESS: 210 W. PENNSYLVANIA AVE
TOWSON MD 21204
PHONE NUMBER: 823-7800

AJ:ggg (Revised 04/29/93)

TO: POTTERY PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:
C. William Clark, Esq.
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Ave #700
Towson, MD 21204
823-7800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-101-SPH (Item 94)
6313 Frederick Road
S/S Frederick Road, 110' E of c/l Syngton Avenue
1st Election District - 1st Councilmanic
Legal Owner: Joan S. Pittroff
HEARING: WEDNESDAY, OCTOBER 25, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to confirm or approve as a non-conforming use of the subject property as an apartment building with three apartments.

LAWRENCE E. SCHMITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-101-SPH (Item 94)
6313 Frederick Road
S/S Frederick Road, 110' E of c/l Syngton Avenue
1st Election District - 1st Councilmanic
Legal Owner: Joan S. Pittroff
HEARING: WEDNESDAY, OCTOBER 25, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to confirm or approve as a non-conforming use of the subject property as an apartment building with three apartments.

Arnold Jablon
Arnold Jablon
Director

cc: Joan S. Pittroff
C. William Clark, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 17, 1995

C. William Clark, Esquire
Nolan, Plumbhoff & Williams, Chtd.
210 W. Pennsylvania Ave.
Suite 700
Towson, Maryland 21204

RE: Item No.: 94
Case No.: 96-101-SPH
Petitioner: J. S. Pittroff

Dear Mr. Clark:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Sept. 18, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for September 18, 1995
Items 093, 094, 097, 098, and 099

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:ew

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol L. Kenna*

PK/JL

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5590 (410) 887-4500

DATE: 09/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOAN S. PITTOFF
LOCATION: S/S FREDERICK RD., 110' E OF CENTERLINE SYNGTON AVE.
(6313 FREDERICK RD.)

Item No.: 094 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy. 1E BASEMENT APARTMENT MAY HAVE EXITING PROBLEMS.

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 094(JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED
SEP 18 1995
ZADM

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

FLOOR AREA RATIO 0.47
AMENITY OPEN SPACE - NONE
PARKING - N/A

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 6313 FREDERICK RD.
Subdivision name: NONE
plat book# , folio# , lot# , section#
OWNER: JOAN S. PITTROFF, 120 STARHILL LANE, 21228

SYNGINGTON AVENUE
FREDERICK AVENUE (FREDERICK AVENUE WATER & SEWER MAINS)
DR 5.5
DR 3.5
VACANT
96-101-5PH

North
date: AUG. 28, 1975
prepared by: NAW/CWC
Scale of Drawing: 1" = 100'

LOCATION INFORMATION
Election District: FIRST
Councilmanic District: FIRST
1"=200' scale map: SW-2E
Zoning: D.R. 5.5
Lot size: 0.168 acreage 5354.58 square feet
SEWER: ☒ public ☐ private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: NONE KNOWN
Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
SJIA 94

722
DEED
FROM
PETER C. PITTROFF AND
JOAN S. PITTROFF
TO
JOAN S. PITTROFF
BLOCK NO.
Received for Record 19
at o'clock M. Same day recorded
in Liber No. Folio &c.
one of the Land Records of
, and examined per
, Clerk.
Cost of Record, \$
Lerch and Huesman
Suite 504, 16 S. Calvert St.
Baltimore, Maryland 21202
LUCAS BROS., INC., BALTIMORE 2, MD FORM 252

D. PROPERTY VALUATION RECORD
RESIDENTIAL WORKSHEET

1. PROPERTY ADMINISTRATIVE DATA
Account No. 000101355020
District 0387000000
Card No. PITTROFF JOAN S.
Address 6313 FREDERICK AVE
Census 1.05 ComSubst 115
Microfilm No 10521
NE/Model No 179
Occupancy N
Curtilage 0

2. DWELLING COST CALCULATION
ITEM TYPE SIZE/UNITS RATE COST
1. 2.5w/bs Sliding 840 138.41 116,262
2. 1.5w/bs Sliding 112 66.27 7,498
3. SUBTOTAL: DWELLING SQUARE FOOT COST 123,760 **

4. OTHER CHARGES
ITEM TYPE SIZE/UNITS RATE COST
Club 420 16.60 6,972
Heat over allowance 2 2,200.00 4,400
PST 1 3,360.00 3,360
Porch#1 224 21.80 4,883
5. SUBTOTAL: OTHER CHARGES 19,610 **

6. TOTAL DWELLING BASE COST 143,370 **

7. DWELLING VALUE
Cost Index 1.03
Replacement Cost New (RCN) 147,362
Less Depreciation 51,977
Subtotal, RCN Less Depreciation 95,385 **
Market Value Index 1.15
8. DWELLING VALUE 110,140 **

9. ACCESSORY STRUCTURES
ITEM TYPE GRADE SIZE/UNITS RATE DEPR COST
1. 1.5w/bs Sliding 400 24.72 9,944
10. TOTAL ACCESSORY STRUCTURES VALUE 9,944 **

11. TOTAL IMPROVEMENT VALUE 119,084 **

12. LAND VALUATION
Land Type Land10 SIZE Sqft RATE ADJUSTMENT COST
Primary 5,000 6.30 32,500
Secondary 310 1.00 310
Total Land Size 5,310
13. TOTAL LAND VALUE 32,810 **

14. TOTAL PROPERTY VALUE 147,894 **

15. REMARKS

CERTIFIED TRUE COPY
BY *Mary L. Lohman*
DATE 10-24-75
Pet No 4

WEE5483 PAR240
FEE SIMPLE DEED - INDIVIDUAL GRANTOR AND GRANTEE - 2-12

NO CONSIDERATION
NO TITLE SEARCH

This Deed, Made this day of
in the year one thousand nine hundred and seventy-four, by and between
CHARLES J. ROSTZKY and LUCILLE ROSTZKY, also known as MILDRED ROSTZKY,
his wife, of Baltimore County, State of Maryland of the first part, and
CHARLES J. ROSTZKY and LUCILLE ROSTZKY, also known as MILDRED ROSTZKY,
his wife, ANNA MARIA ROSTZKY AND ANTOINETTE ROSTZKY as Joint Tenants,
of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other
good and valuable considerations, the receipt whereof is hereby
acknowledged
the said CHARLES J. ROSTZKY and LUCILLE ROSTZKY, also known as
MILDRED ROSTZKY, his wife,
do hereby grant and convey unto the said CHARLES J. ROSTZKY and LUCILLE
ROSTZKY, also known as MILDRED ROSTZKY, his wife, as tenants by the
entirety: ANNA MARIA ROSTZKY and ANTOINETTE ROSTZKY as Joint Tenants
and not as tenants in common and unto the survivor or survivors of
them, his or her
heirs and assigns.

in fee simple, all that lot(s) of ground, situate, lying and being in
Baltimore County, State of Maryland, and described as follows, that is to say:-
Beginning for the same on the Southeast side of Frederick Road at the
distance of ninety-one feet Northeastly from the corner formed by the
intersection of the Southeast side of Frederick Road with the Northeast
side of Syngington Avenue and running thence Northeastly binding on the
Southeast side of Frederick Road forty-five feet to the outline of the
tract of ground which the lot now being described is a part thence running
South fourteen degrees thirty-nine minutes East binding on said outline
one hundred and twenty and fifty-nine one hundredths feet thence running
South seventy-three degrees thirteen minutes West forty-five feet to meet
a line drawn South fourteen degrees thirty-nine minutes East from the
place of beginning and thence running Northwestly reversing said line
so drawn and binding thereon one hundred and seventeen and four-tenths
feet more or less to the place of beginning. The improvements thereon
being known as No. 6313 Frederick Avenue.

BEING the same lot of ground which by Deed dated May 9, 1972 and
recorded among the Land Records of Baltimore County in Liber O.T.C.
No. 5268, folio 44 was granted and conveyed by Bertie Milburn, by her
attorney-in-fact, Wilson Chesser unto the said Charles J. Rostzky and
Lucille Rostzky, also known as Mildred Rostzky, his wife.

Pet No 5

118102
THIS DEED Made this 2nd day of July in the year one thousand
John L. Johnson & W. side hundred and forty-six by and between John L. Johnson and
Deed to V Johnson his wife of Baltimore City in the State of Maryland
Gertrude Freytag et al of the first part and Gertrude Freytag Jane G Klein and John
Capparella of the second part
Witnesseth That in consideration of the sum of Five (\$5.00) dollars and other valid
considerations the said John L. Johnson and Jane V Johnson his wife do grant and convey
the said Gertrude Freytag Jane G Klein and John Capparella as joint tenants and not as
tenants in common their personal representatives and assigns all that lot of ground situate
in Baltimore County aforesaid and described as follows that is to say
Beginning for the same on the southeast side of the Frederick Road also referred to as
Frederick Ave at the distance of 91 feet Northeastly from the corner formed by the intersection
of the Southeast side of Frederick Road with the Northeast side of Syngington Ave
and running thence Northeastly binding on the Southeast side of Frederick Road 45 feet
to the outline of the tract of ground of which the lot now being described is a part the
running south 14 degrees 39 minutes east binding on said outline 120.99 feet thence running
south 73 degrees 13 minutes west 45 feet to meet a line drawn south 14 degrees 39 minutes
east from the place of beginning and thence running Northwestly reversing said line so
drawn and binding thereon 117.4 feet more or less to the place of beginning known as 6313
Frederick Avenue
Being the same lot of ground described in an assignment dated January 17 1965 and re-
corded among the Land Records of Baltimore County in Liber R J S 1375 folio 421 which was
assigned and conveyed by Christina Capparella to the herein grantor
Together with the buildings thereon and the rights appurtenant thereto and all other
appurtenances and advantages thereto belonging or in any wise appertaining
To Have and To Hold the said described lot of ground and premises unto and to the use
of the said Gertrude Freytag Jane G Klein and John Capparella as joint tenants and not as
tenants in common their personal representatives and assigns and the survivor of them and
personal representatives and assigns of the survivor for all the residue of the term of
years yet to come and unexpired therein with the benefit of renewal forever subject to the
payment of the annual rent of one hundred twenty dollars payable half-yearly on the Seven-
teenth days of January and July in each and every year
And the said parties of the first part hereby covenant that they have not done or en-
joyed to be done any act matter or thing whatsoever to encumber the property hereby conveyed
that they will warrant specially the property hereby granted and that they will execute
such further assurances of the same as may be requisite
Witnesseth: Sides and seals of said grantors
Pet No 6

Petition
96-101-5PH

Petition
96-101-5PH

